

Sweet Pickles Packed and Guaranteed by Southern Manufacturing Co. St. Louis."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, saccharin, which might have rendered it injurious to health.

On April 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24588. Misbranding of canned peas. U. S. v. 400 Cases of Canned Peas. Decree of condemnation. Product released under bond. (F. & D. no. 34600. Sample no. 3817-B.)**

This case involved an interstate shipment of canned peas which fell below the standard established by this Department, because of the presence of an excessive amount of hard peas, and which were not labeled to indicate that they were substandard.

On December 21, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of canned peas at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, on or about August 13 and August 19, 1934, by the Clyman Canning Co., from Markesan, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Official Brand Wisconsin Early June Peas \* \* \* Packed by Clyman Canning Co. Factory Clyman, Wis. Office Hartford, Wis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 20, 1935, the Clyman Canning Co. having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24589. Adulteration and misbranding of cocoa compound. U. S. v. 48 Tins and 49¼ Dozen Tins of Cocoa Compound. Default decrees of condemnation and destruction. (F. & D. nos. 34467, 34602. Sample nos. 17273-B, 17627-B.)**

These cases involved shipments of cocoa compound that was adulterated because of the presence of excessive lead. The article was also misbranded since it was composed of ingredients which were not properly labeled as "Cocoa Compound."

On December 3 and December 26, 1934, the United States attorneys for the District of New Jersey and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 48 tins of cocoa compound at Elizabeth, N. J., and 49¼ dozen tins of cocoa compound at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 12 and November 13, 1934, by the Chas. H. Phillips Chemical Co., in part from New York, N. Y., and in part from Glenbrook, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Cocoa Compound Phillips' Digestible Cocoa Compound Consisting of Cocoa Sugar and Phosphates with Vanilla Flavoring \* \* \* Prepared by The Chas. H. Phillips Chemical Company, New York."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Cocoa Compound", was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of cocoa, sugar, flavor, and phosphates.

On April 4 and June 11, 1935, no claimant appearing judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*